



EXECUTIVE CHAMBERS
HONOLULU

June 30, 2000

EXECUTIVE MEMORANDUM

Memo No. 00-05

TO: All Department Heads

SUBJECT: Computer Software Piracy

The State of Hawaii is endeavoring to foster a technology-based economy which will include the development of an industry devoted to information technology such as computer software. Efforts to promote and bolster Hawaii's information technology industry can, however, be undermined by software piracy issues and concerns. Since the State is a significant purchaser of computer software and other information technology, it is incumbent on the State to take steps to address and guard against the acquisition and use of pirated computer software.

The Department of Accounting and General Services ("DAGS") is designated to serve as the lead agency responsible for coordinating the Executive Branch's efforts to address and guard against the acquisition and use of pirated computer software. DAGS shall:

1. Collaborate with the Administrator of the State Procurement Office ("Administrator") on procedures necessary and appropriate to: (a) guard against state agencies acquiring and using computer software in violation of applicable copyright licenses and laws; and (b) facilitate the identification of pirated computer software.
2. Collaborate with the Administrator and the Attorney General on the development of appropriate language for inclusion in state contracts which would prohibit the use of state funds for the acquisition, operation, or maintenance of computer software in violation of applicable copyright licenses and laws. The approved language shall be disseminated to all departments and shall be required in all state contracts involving the purchase or utilization of computer software in the performance of such contracts.
3. Collaborate with the Administrator and the Attorney General on whether and to what extent procedures are necessary to validate or certify that each agency's bidders and contractors have appropriate systems and controls in place to guard against state funds being used to acquire, operate, or maintain computer software in a manner that does not comply with applicable copyright laws and licenses.

4. Collaborate with the Administrator on the development of a program to assist appropriate agency personnel with understanding and implementing any policies and procedures established pursuant to this memorandum to address computer software piracy.
5. Work with designated personnel from each agency to facilitate the implementation of policies and procedures established to address computer software piracy.

The head of each agency shall cooperate fully with DAGS, as well as the Administrator and the Attorney General, in implementing this memorandum, and shall do the following:

1. The head of each agency shall ensure that budget proposals relating to computer data processing requirements include adequate resources for the acquisition of necessary or appropriate computer software and licenses.
2. The head of each agency shall monitor and audit the expenditures of the agency to assess agency compliance with this Executive Memorandum, and any policies and procedures established to address computer software piracy.
3. To the extent appropriate, the agency shall share information with other government agencies as regards combating the use of computer software in violation of applicable copyright licenses and laws.

DAGS shall issue its initial guidance within six months from the date of issuance of this Executive Memorandum.

This Executive Memorandum is intended to improve the internal management of the Executive Branch, and does not create or provide any right or benefit, substantive or procedural, at law or equity, to or for any person, including but not limited to any person initiating a lawsuit or other proceeding against the State of Hawaii, its agencies, boards, commissions, authorities or committees, and any officer or employee thereof.

BENJAMIN J. CAYETANO